

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-050

MARCH 12, 1998

CENTRAL MAINE POWER COMPANY,  
Request for Approval of Employee  
Benefits Plan

ORDER

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**A. Summary**

In this Order, we find the Proposed Employee Transition Plan (Plan) submitted by Central Maine Power Company (CMP) is consistent with the statutory requirements of 35-A M.R.S.A. §3216. We reserve for a later proceeding, however, determination of the cost recovery for any benefits which exceed the statutory requirements.

**B. Background**

On January 20, 1998, CMP filed a copy of its Plan and requested that it be approved by the Commission.<sup>1</sup> On January 29, 1998, the Examiner issued a Procedural Order which provided interested persons with an opportunity to comment upon the proposed Plan's compliance with Section 3216. No comments were received.

Section 3216 does not require the Commission to approve an employee transition plan formally but plainly contemplates Commission review of a plan's compliance with the statutory requirements. While the Commission intends to adopt specific rules implementing Section 3216 and provide further guidance regarding the statutory requirements, we have not yet done so and thus will be guided by the principles outlined in our November 20, 1997 Notice of Inquiry in Docket No. 97-585.

**C. Decision**

We have reviewed CMP's proposed plan and find that it is consistent with the statutory requirements of Section 3216. This finding should not be construed as a finding that all of the costs associated with the proposed Plan will be recovered from ratepayers pursuant to Section 3216(5). While Section 3216(5) requires recovery of the reasonable costs of those benefits

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<sup>1</sup> The Act to Restructure the State's Electric Industry requires a utility to file an employee transition plan with the Commission prior to finalizing any transaction which would result in the layoff of employees or within 90 days of retail access. 35-A M.R.S.A. § 3216.

mandated by the statute from ratepayers, recovery of the costs of any benefits which exceed the statutory requirements will be determined either in the rulemaking on this issue or in an appropriate ratemaking proceeding.

Dated at Augusta, Maine, this 12th day of March, 1998.

BY ORDER OF THE COMMISSION

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Dennis Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:

Welch  
Nugent  
Hunt

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.